

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 4 – SB 221

February 13, 2017

SUMMARY OF BILL: Requires the Board of Parole (BOP) to meet within 10 days of a parolee being reincarcerated because the parolee was charged with a new offense, if the parolee is awaiting a parole revocation preliminary hearing, a parole revocation hearing, or a parole rescission hearing, and the charges for the new offense are ultimately dismissed or the parolee is found not guilty. Requires the Board to release the parolee if the Board finds that the only reason the parolee was reincarcerated was the new offense and the new offense was dismissed.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$4,000/One-Time
\$149,100/Recurring**

Other Fiscal Impact – To the extent the proposed legislation results in some paroled prisoners being released and reinstated on parole sooner than under current law, the proposed legislation would result in decreased incarceration costs. However, insufficient information exists to reasonably determine the extent of any decreases that would be realized.

Assumptions:

- Tennessee Code Annotated § 40-28-122 sets forth provisions for determining when and under what circumstances the BOP must conduct parole revocation hearings.
- The proposed legislation adds provisions to Tenn. Code Ann. § 40-28-122 requiring the Board to meet under certain circumstances set forth in the proposed legislation.
- Statistics from the past three annual reports of the BOP show the Board has conducted approximately 2,100 revocation hearings each year over the last three years.
- Complying with the proposed legislation will require the BOP to track not only revocation proceedings that involve parolees arrested and reincarcerated for new offenses, but also the disposition of those criminal matters to determine when the 10-day period to hold a meeting begins.
- BOP will require four additional Sentence Docketing Tech 2 positions to track these proceedings.
- The starting salary for a Sentence Docketing Tech 2 position is \$26,028. The proposed legislation will result in a recurring increase in state expenditures of \$149,091 {[\$26,028

+ (\$26,028 x 0.0765) FICA + (\$26,028 x 0.0894) benefits + \$6,926.76 insurance] x 4 positions}.

- Each position will require \$1,000 in one-time expenditures for a computer and office set up. The proposed legislation will result in a one-time increase in state expenditures of \$4,000 (\$1,000 x 4 positions).
- The proposed legislation could result in some parolees being released each year sooner than under current law, which would result in a recurring decrease of incarceration costs.
- However, insufficient information prevents Fiscal Review staff from being able to reasonably determine the recurring decrease in incarceration costs that may be realized. Such insufficient information includes, but is not limited to, the number of parolees per year that would be affected by the proposed legislation, the average decrease in time served, and the average time someone serves in prison awaiting a revocation hearing after new criminal charges are dropped.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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